

Provisions of Social Justice Is An India Constitution:

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Abstract:

Indian constitution is the first and foremost a social document and most of the provisions are directed to foster the social revolution of India. It is not only the mechanism of governance but is a dynamic device of demolishing the medieval social structure of caste and community and to reconstruct the Indian social order on the premises of liberty, equality, fraternity and justice, social, economic and political, to all. Dr.Ambedkar, being the chief architect of the constitution of India, naturally gets the credit for such historic document of social justice and social change. Dr.Ambedka's name will be written in golden letters in the history of India as a champion of social justice. He was not only main builder of the constitution, but also the crusher of social justice for the betterment of the downtrodden. He spent his whole life for the betterment of the poor and exploited untouchables in Indian society. B.R. Ambedkar was not only a social reform but a great economist, a great political leader a great nationalist and an architect of Indian constitution. Dr.B.R.Ambedkar was a chairman of the constitution his role in the process of committee, his making was decisive. Therefore, the Present highlights the role of B.R.Ambedkar in incorporating in Indian Constitution provisions aimed at establishing social justice in India. So, Ambedkar was very particular about providing equal opportunities to the weaker section through all the possible means and ways in the constitution as a way in the constitution as a way to achieve social justice and economic democracy.

Keywords- *Indian constitution, provisions, social justice, Untouchables, Indian society, Social reforms, Liberty, Equality, Fraternity, downtrodden.*

Introduction:

“Dr.Ambedkar has played a constructive role in the making of the constitution of India. No one took great trouble and care over the constitution making than Dr.Ambedkar¹.”

Jawaharlal Nehru:

Ambedkar's major contribution to political thinking was to focus the relevance of social democracy to political democracy. He had suffered humiliation in the caste ridden society. This made him realize the facts; society can practice tyranny and oppression against an individual in for greater degree when a government can. He advocated that social forms should precede reforms.

B.R.Ambedkar was a chairman of the constitution Drafting committed his role in the process of constitution making was decisive. Therefore, the present paper highlights the rule of B.R.Ambedkar in incorporating in Indian constitution provisions aimed at establishing social justice in India.

The Challenge of contemporary “ social justice and the concept of the welfare state is in essence the challenge for equal opportunity and even before that, equality not morally in form but in substance is today's mainspring of the contemporary social movements in India,

the foundations of India. At the same time, it is equally to note that equal opportunity and social justice are hunting problems in India. Ambedkar had to face a tremendous amount of equal opportunity and protection of the right of the weaker sections became the constitutional obligation of the weaker sections became the constitutional obligation of the state in view of the noble idea of welfare state in terms of economic justice and secular state in terms social justice and the nation integrity as supreme goal of the constitution of India.²

Finally, the critics also point out that social justice is neither social justice, it is not strengthening society. It is bent upon breaking it by generating caste war and tensions. It is not justice became while justice aims at joining and uniting the various sections of society, it has divided society in forward and backward sections³.

So, Ambedkar was very particular about providing equal opportunity to the weaker section through all the possible means and ways in the constitution as a way to achieve social justice and economic democracy.⁴

Article 14 of the constitution provides:

“The state shall not deny to any person equality before the law or law the equal protection of the laws within the territory of India.”

A particular aspect of the equality guaranteed by Article 14 is the prohibition against discrimination contained in Article 15 of the constitution which says:

“(1) the state shall not discriminate against any citizen on ground only of religion, race, caste, sex, place of birth or any of them.

(2) No citizen shall on grounds only of religion, race, caste, sex, p[lace, of birth or any of them to subject to any disability, liability restriction or condition with regards to

(a) Access to shops, public restaurants, hotels and places of publish entertainments; or

(b) The use of wells, tanks, bathing, Ghats, roads and places of public resort maintained wholly or partly out of state funds or dedicated to the use of general public.

(3) Nothing is this Article shall prevent the state prevent the state from making any special provision for women and children.

(4) Nothing in this Article or in clause (2) of Article 29 shall prevent the state from making any special provision for the advancement of any socially and educationally backward classes.”

Article 16 of the constitution provides:

Article 16 of the constitution guarantees equality of opportunity in matters of public employment which runs thus:

“(1) there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state.

(2) No citizens shall, on grounds only of religion, race. Caste, sex, descent, place of birth or any of them, is ineligible for any office under the state”.

B.R. Ambedkar that the true import of equality of opportunity is not simply a matter of legal equality. Its existence depends not merely on the absence of disabilities but on the presence of abilities and opportunity of excellence in each cadre/ grade as equality of opportunity means equality as between the members of the same class of employees and not between that of separate independent classes.

Article 17 of the constitution provides:

“Untouchables are abolished and its practice in any form is forbidden. The enforcement of any disability arising out of Untouchability shall be offence punishable in accordance with law.”

Parliament is authorized to make a law prescribing the punishment for this offence under Article 35 of constitution. The word “Untouchables” has been assumed that the world has a well-known connotation – primary referring to any social practice which people belonging to the so-called higher classes or castes.⁵

“Untouchability” is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of “Untouchability” shall be an offence punishable in accordance with law.

Article-46: Promotion of educational and economic interests of scheduled castes, Scheduled tribes & other weaker sections.

The state shall promote with special care the educational and economic interests of the weaker section of people and in particular of the Scheduled castes and Scheduled tribes and shall protect them from injustice and all forms of exploitation.

Article- 330: Reservation of seats for Scheduled castes and Scheduled Tribes in the House of the people.

Article-331: Representation of the Anglo- Indian community in the House of the People.

Article-335: claims of Scheduled castes and Scheduled Tribes to services and posts.

The claims of the members of the Scheduled castes and Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the union or of a state.

Article-338: National commission for scheduled castes and scheduled Tribes.

Article-339: control of the union over the administration of scheduled Areas and the welfare of Scheduled Tribes.

Article-340: Appointment of commission to investigate the conditions of backward classes.

Review of Literature:

Dr. Ambedkar –Father of the constitution of India by M.N.Javaraiah this book highlights the contribution of B.R. Ambedkar with a few specific topics pertaining to his contribution as the chief Architect in the Drafting committee to the framing of Indian constitution. This Book described the social – political situation of India of Ambedkar’s time.

Social Philosophy of B.R. Ambedkar by D.R. Jatava holds the view that Dr. Ambedkar’s social philosophy emanated from the roots of Indian society. Therefore, the social philosophy of Dr. Ambedkar has become so much relevant to current needs of social justice that it cannot be neglected by any political party or movements. Further, it throws light on the social, economic and political philosophy of B.R. Ambedkar.

Builders of modern India-B.R. Ambedkar by W.N. Kuber gives an insight into the multi – sided genius of his eminent son of the country, According to the author the audacity, masterly statesmanship, fight for the cause of the human right, expertise in constitution drafting fearlessly debating characterized the great personality. This Book proves to be a prestigious addition to the builders of modern India series.

K.L.Bhatia's book entitled Dr,B.R.Ambedkar social justice and the India constitution, present the social justice visions and constitutional visions of Dr .B.R.Ambedkar as he perceived himself. It provides Ambedkaer's perception of the issues concerning social justice, constitution, women, freedom movement, Independence of the judiciary , labour population control etc. According to author he has left an indelible mark on the basic documents which represents the aims and aspirations of the people vis a vis, the idea of social justice on which the dominant institution of our democracy.

Dr.C.D.Naik's book entitled thoughts and philosophy of Dr.B.R.Ambedkar; explains the thoughts and philosophy of B.R.Ambedkar, According to the author Ambedkar's philosophy was based upon equality, liberty and Fraternity and his philosophy with reference to Untouchability. He expounded it under one caption of "my personal philosophy." This book deals with the milestones in the life and struggle of Dr.Ambedkaer.

Objective:

1. To explain Ambedkar's contribution regarding social justice in the India constitution.
2. To explain Ambedkar's perception of the issues concerning social justice.
3. To explain that ensure of equality and social justice.

Conclusion:

Ambedkar's contribution to the Indian political thought is multi- dimensional yet he is being looked upon more as a factional leader of the people of his caste, He was infecting bent upon fighting the menace of casteism in India society. He had always pleased for the social liberation economic advancement and political emancipation of the downtrodden people and works for fundamental and radical changes in the social system. He combined in himself the role of a social reformer, a political leader and the spiritual guide of the oppressed people. In this endeavor, he sought the full backing and encouragement from the enlighten people of the society.Ambedkar was not only a social reform but a great economist, a great political leader a great national and an architect of Indian constitution.

Further, the relevance of his thought should be understood in context of the social and political circumstances of his times. What is being called as 'venom of the Ambedkar,i.e.. His utterances against the higher caste Hindus infect, reflect his frustration which any sensible person of his times would have felt alike , became to the treatment meted out to the depressed caste people by caste Hindu, only because of their being born in lower caste. He has showed us the way and it is for us to modify his suggestions as suitable to the changed social structure as of present times.

Ambedkar's life constituted a proof that the strength in the seed to rise is not dead among the suppressed castes in India. It is a solid evidence of the survival of their manhood virility and virtues. His life provides ands example and an inspiration to the down- trodden masses of humanity that no bar of class prevents the full attainment and growth of an individual who is determined to build his personality on patient labour, Burring sincerity, Supreme courage and selfless sacrifice.

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